

REMARKS

The examiner requires restriction to elect a single disclosed species from each set for prosecution on the merits:

<i>Set</i>	<i>Species</i>	<i>At least claim</i>
Set 2 "body fluid sampling system embodiments" cartridge, penetrating member driver, plurality of penetrating members, and a plurality of analyte detecting members, a position sensor	A2	64
Penetrating member driver, plurality of penetrating members, plurality of analyte detecting members, a coupler engaging the penetrating member	B2	65
cartridge, penetrating member driver, plurality of penetrating members, plurality of analyte detecting members, sterility enclosure	C2	66
cartridge, penetrating member driver, plurality of penetrating members, plurality of analyte detecting members, user interface	D2	67
Set 3 "penetrating member embodiments" Elongate member without molded attachments	A3	57
Needle having a lumen therein	B3	58
Microneedle having a lumen therein	C3	59
Spring based device and one of a motor, a gear box, a nanomuscle, a pneumatic device, a liquid magnetic coil actuation device, a stepper motor, a micro-clutch device, and an inductive motor	D3	61
Set 4 "penetrating member driver embodiments" Spring based	A4	10
Voice coil, rotary voice coil, solenoid, motor and gear box, nanomuscle, or a combination of any of the above	B4	21
Set 5 "penetrating member sensor embodiments" Penetration depth information sensor	A5	13-17
Velocity information sensor	B5	18
Capacitive incremental encoder, an incremental encoder, an optical encoder, or interference encoder sensor	C5	38
Set 6 "processor utilization embodiments" Monitor position and speed of a penetrating member	A6	24 and 27

Monitor an application and withdraw force	B6	25 and 26
Set 7 "tissue stabilizer embodiments"		
Application of vacuum	A7	51 and 56
Application of force	B7	52
Set 8 "fracturable seal embodiments"		
One seal	A8	53
Two seal	B8	54
At least 3 seal	C8	55

The examiner indicates that claim 1 appears to be generic.

Applicant provides an election of specie from each set, an identification of the claims, a listing of the claims, and cancellation of non-elected claims.

Election of Species:

Applicant elects species as follows:

Set	Species
Set 2	B2
Set 3	A3
Set 4	B4
Set 5	A5
Set 6	A6
Set 7	B7
Set 8	B8

Identification of Claims

Applicant identifies the claims as drawn to each elected species as follows

Set	Claims
Set 2, B2	65
Set 3, A3	57
Set 4, B4	21
Set 5, A5	13-17
Set 6, A6	24, 27
Set 7, B7	52
Set 8, B8	54

Election of claims

Applicant elects claims 1, 13-17, 21, 24, 27, 52, 54, 57 and 65.

Cancellation of non-elected claims:

Applicant cancels claims 2-12, 18-20, 22-23, 25-26, 28-51, 53, 55-56, 58-64, and 66-67. Applicant reserves the right to prosecute the non-elected claims in a divisional application.

CONCLUSION

It is submitted that the present application is in form for examination, and such action is respectfully requested. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 50-4634 (Docket No. PEL-2688). Applicant respectfully requests entry of these amendments for prosecution in this application.

Respectfully submitted,
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Date: 4-14-09

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